

REMARKS

I. Amendment to the Claims

By this paper, the Applicant has amended Claim 1; and the Applicant has added Claim 40. Thus, Claims 1-40 remain pending and are presented for further examination.

The applicant has not added new matter by claim amendments. For example, the amendment to Claim 1 is supported by at least page 8 and Figure 6. New Claim 40 is supported by at least page 8.

II. Discussion of Rejection of Claims 1-39 under 35 U.S.C. §102(b)

In paragraph 2 of the Office action, the Examiner rejected Claims 1-39 under 35 U.S.C. §102(b) as being anticipated by Brett (U.S. Patent 6,026,179). In paragraph 3 of the Office action, the Examiner rejected Claims 1-39 under 35 U.S.C. §102(b) as being anticipated by Ries et al. (U.S. Patent 4,710,809). In response, the Applicant has amended Claim 1.

A. The Law of Anticipation

Anticipation under Section 102 can be found only if a reference shows exactly what is claimed. *Titanium Metals Corp. v. Banner*, 778 F.2d 775 (Fed. Cir. 1985). More particularly, a finding of anticipation requires the disclosure in a single piece of prior art of each and every limitation of a claimed invention. *Electro Med. Sys. S.A. v. Cooper Life Sciences*, 34 F.3d 1048, 1052 (Fed. Cir. 1994). "To anticipate, every element and limitation of the claimed invention must be found in a single prior art reference, arranged as in the claim." *Brown v. 3M*, 265 F.3d 1349 (Fed. Cir. 2001). "All words in a claim must be considered in judging the patentability of that claim against the prior art." *In re Wilson*, 424 F.2d 1382, 1385 (CCPA 1970). The Applicant submits that, in light of the amendments to the claims, both Brett and Ries fail to teach or suggest all of the limitations of Claims 1 and 20, as discussed below.

B. Discussion of Distinctions of the Claims in View of Brett

Brett relates to a method of digitally processing a sequence of video frames. In Brett, an object which appears in the frame and undergoes relative motion or transformation is selected by an operator. (See Brett at Abstract; col. 2, lines 3-35; col. 16, lines 9-33 and independent Claim 1).

With respect to the rejection of Claim 1, the Applicant submits that Brett neither teaches nor suggests “identifying a plurality of points having at least one related characteristic in at least one of the first and second frames based, at least in part, on numerical values associated with a plurality of pixels in the first and second frames” as recited in amended Claim 1. As discussed above, in Brett, an object (a plurality of points) is selected by a human operator. Therefore, Claim 1 is not anticipated by Brett. Further, it would not have been obvious to one of ordinary skill in the art to recognize the invention of Claim 1 in view of Brett.

With respect to Claim 20, the Applicant submits that Brett neither teaches nor suggests “an identifier circuit”, “a compare circuit”, and “a processing circuit”, as recited in Claim 20. Therefore, Claim 20 is not anticipated by Brett. Further, it would not have been obvious to one of ordinary skill in the art to recognize the invention of Claim 20 in view of Brett.

C. Discussion of Distinctions of the Claims in View of Ries

Ries relates to a method for the representation of video image sequences or scenes with a relative movement between a pick-up sensor and the viewed scene. (See Ries at Abstract).

With respect to Claim 1, the Applicant submits that Ries neither teaches nor suggests the claim term “identifying a plurality of points having at least one related characteristic in at least one of the first and second frames based, at least in part, on numerical values associated with a plurality of pixels in the first and second frames” recited in Claim 1 as amended. Though Ries in col. 4, lines 1-10 teaches selecting a number of limited areas comprising multiple picture element positions, Ries does not teach identifying a plurality of points having at least one related characteristic. Further, Ries does not teach identifying a plurality of points based, at least in part, on numerical values associated with a plurality of pixels. Therefore, Claim 1 is not anticipated

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by Ries. Further, it would not have been obvious to one of ordinary skill in the art to recognize the invention of Claim 1 in view of Ries.

With respect to Claim 20, the Applicant submits that Ries neither teaches nor suggests “an identifier circuit”, “a compare circuit”, and “a processing circuit”, as recited in Claim 20. Therefore, Claim 20 is not anticipated by Ries. Further, it would not have been obvious to one of ordinary skill in the art to recognize the invention of Claim 20 in view of Ries.

Since each of Claims 1-19 and 21-40 depends either directly or indirectly on one of Claims 1 and 20, the Applicant submits that those claims are also allowable.

III. Conclusion

Applicant has endeavored to address all of the Examiner’s concerns as expressed in the Office Action. Accordingly, amendments to the claims, the reasons therefor, and arguments in support of patentability of the pending claim set are presented above. Any claim amendments which are not specifically discussed in the above remarks are made in order to improve the clarity of claim language, to correct grammatical mistakes or ambiguities, and to otherwise improve the clarity of the claims to particularly and distinctly point out the invention to those of skill in the art. Finally, Applicant submits that the claim limitations above represent only illustrative distinctions. Hence, there may be other patentable features that distinguish the claimed invention from the prior art.

The Examiner is reminded that “whenever, on examination, any claim for a patent is rejected, or any objection ... made, notification of the reasons for rejection and/or objection together with such information and references as may be useful in judging the propriety of continuing the prosecution (35 U.S.C. 132) should be given.” M.P.E.P. § 707. The Applicant submits that the Examiner’s summary rejection of the claims, without citing to specific portion(s) of the above references, amounts to depriving the applicant of the opportunity to respond completely and with particularity as to why the claims are patentable. Thus, if the Examiner wishes to sustain the rejection of the claims based on the same reference(s), the Examiner is requested to “clearly articulate any rejection early in the prosecution process so the applicant has the opportunity to provide evidence of patentability and otherwise respond completely at the

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earliest opportunity.” See M.P.E.P. § 706. More particularly, the Examiner is requested to provide the Applicant with specific citations to the reference(s) and to explain where and how the reference(s) anticipates the claims. If so, the Applicant should be entitled to have at least one opportunity to respond without having the burden of filing a request for continued examination (RCE).

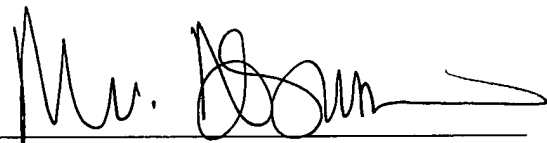
In view of the foregoing, Applicant respectfully requests reconsideration and withdrawal of the outstanding rejections and, particularly, that all claims be allowed. If the Examiner finds any remaining impediment to the prompt allowance of these claims that could be clarified with a telephone conference, the Examiner is respectfully invited to call the undersigned.

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

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